

# EXHIBIT 3

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21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.  
25 Plaintiff,  
26 v.  
27 GOOGLE INC.  
28 Defendant.

Case No. CV 10-03561 WHA  
**DECLARATION OF MARK REINHOLD**

DECLARATION OF MARK REINHOLD

1 I, MARK REINHOLD, declare as follows:

2 1. I am an employee of Oracle America, Inc. ("Oracle"). My title is Chief Architect  
3 of the Java Platform Group.

4 2. I have personal knowledge of the facts set forth herein. If called upon to testify, I  
5 could and would testify as follows.

6 3. I hold a Ph.D. in Computer Science from the Massachusetts Institute of  
7 Technology, where I worked on garbage collection, compilation techniques, type systems,  
8 semantics, and the visualization and analysis of program performance. I hold a number of patents  
9 related to Java technologies.

10 4. I have been employed as an engineer with Sun Microsystems, Inc. ("Sun"), now  
11 Oracle, since August 1996. Throughout my years of working at Sun, now Oracle, I have become  
12 very familiar with Java technologies, and I have helped to design and develop the Java platform  
13 as part of my regular work responsibilities.

14 5. I am familiar with the lawsuit Oracle filed against Google Inc. ("Google")  
15 regarding Google's copying of Oracle's copyrighted material into the Android platform. I  
16 understand that Google copied some, but not all, of the declaring code for the following 37 Java  
17 API Packages at issue in this case: java.awt.font, java.beans, java.io, java.lang,  
18 java.lang.annotation, java.lang.ref, java.lang.reflect, java.net, java.nio, java.nio.channels,  
19 java.nio.channels.spi, java.nio.charset, java.nio.charset.spi, java.security, java.security.acl,  
20 java.security.cert, java.security.interfaces, java.security.spec, java.sql, java.text, java.util,  
21 java.util.jar, java.util.logging, java.util.prefs, java.util.regex, java.util.zip, javax.crypto,  
22 javax.crypto.interfaces, javax.crypto.spec, javax.net, javax.net.ssl, javax.security.auth,  
23 javax.security.auth.callback, javax.security.auth.login, javax.security.auth.x500,  
24 javax.security.cert, and javax.sql.

25 6. Based on my knowledge of and extensive work with the Java platform, I  
26 understand that failing to include all declaring code for these 37 Java API Packages necessarily  
27 means that Android is not compatible with the Java platform. I also understand that including  
28 extra declaring code in these API Packages, or omitting the other API Packages of the relevant

1 Java SE Platform Specification, necessarily means that Android is not compatible with the Java  
2 platform.

3 7. To confirm my understanding, I worked with Oracle engineers to run a key test  
4 from Oracle's Java Compatibility Kit ("JCK"), a suite of thousands of compatibility tests for the  
5 Java SE platform, on publicly available versions of Android. A Java implementation must pass  
6 every one of the tests in the JCK in order to be considered compatible. Therefore if the key test  
7 fails then the implementation being tested is not compatible. The key test is known as the "API  
8 Signature Test."

9 8. We ran the API Signature Test from the JCK for Java SE 6 ("JCK 6") on Android  
10 version 2.3.1 (Gingerbread, API Level 9) because this version of Android requires version 6 of  
11 the Java Development Kit ("JDK 6"), which in turn is a compatible implementation of Java SE 6.  
12 We also ran the API Signature Test from the JCK for Java SE 7 ("JCK 7") on Android version  
13 5.0.1 (Lollipop, API Level 21) because this version of Android requires JDK 7, which in turn is a  
14 compatible implementation of Java SE 7.

15 9. We first downloaded the Android Software Development Kit ("SDK") Manager  
16 from <http://developer.android.com/sdk/index.html#Other>. This tool allowed us to download  
17 different versions of the Android SDK.

#### 18 **Android Gingerbread Fails JCK 6**

19 10. Using the Android SDK Manager, we downloaded the SDK for Android version  
20 2.3.1 (Gingerbread, API Level 9) ("Android Gingerbread"). Android Gingerbread contains a file  
21 called android.jar, which contains the class files that comprise this version of Android.

22 11. We ran the API Signature Test from JCK 6 on the android.jar file from Android  
23 Gingerbread.

24 12. This test performs a static analysis of the class files and verifies that everything  
25 required by the Java SE 6 specification, including every class, interface, method, and field, is  
26 present in the tested implementation. If anything required by the specification is missing, or if  
27 anything not required by the specification is present, then the API Signature Test will fail.

28 13. Android Gingerbread did not pass the API Signature Test from JCK 6. The results

1 for the API Signature Test from JCK 6 for Android Gingerbread are attached as **Exhibit A**.

2 14. Because Android Gingerbread failed the API Signature Test, JCK 6 fails and  
3 Android Gingerbread it is not Java compatible.

4 **Android Lollipop Fails JCK 7**

5 15. Using the Android SDK Manager, we downloaded the SDK for Android version  
6 5.0.1 (Lollipop, API Level 21) ("Android Lollipop"). Android Lollipop contains two files called  
7 android.jar and layoutlib.jar, which contain the class files that comprise this version of Android.

8 16. We ran the API Signature Test from JCK 7 on the android.jar and layoutlib.jar  
9 files from Android Lollipop.

10 17. As with the same test from JCK 6, this test performs a static analysis of the class  
11 files and verifies that everything required by the Java SE 7 specification is present. If anything  
12 required by the specification is missing, or if anything not required by the specification is present,  
13 then the API Signature Test will fail.

14 18. Android Lollipop did not pass the API Signature Test from JCK 7. The results for  
15 the API Signature Test from JCK 7 for Android Lollipop are attached as **Exhibit B**.

16 19. Because Android Lollipop failed the API Signature Test, JCK 7 fails and Android  
17 Lollipop it is not compatible with the Java platform.

18  
19 Executed this 7<sup>th</sup> day of January, 2016, at Menlo Park, California. I declare under  
20 penalty of perjury under the laws of California that the foregoing is true and correct.

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23   
Mark Reinhold